

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

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|---|-------------|---|
| NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> | GRADE AB | AFSN/SSAN <div style="border: 1px dashed black; height: 20px; width: 100%;"></div> |
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|---------------|---------------------|---------------|
| TYPE GEN X | PERSONAL APPEARANCE | RECORD REVIEW |
|---------------|---------------------|---------------|

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|---------------------------|-------------------------------------|--|
| COUNSEL YES No X | NAME OF COUNSEL AND OR ORGANIZATION | ADDRESS AND OR ORGANIZATION OF COUNSEL |
|---------------------------|-------------------------------------|--|

| MEMBER SITTING | VOTE OF THE BOARD | | | | |
|---|-------------------|-----|-------|-------|------|
| | HON | GEN | UOTHC | OTHER | DENY |
| <div style="border: 1px dashed black; height: 100px; width: 100%;"></div> | | | | | X |
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| ISSUES A92.21 A93.01 A93.09 | INDEX NUMBER A67.10 | <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="padding: 5px;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; padding: 5px;">1</td> <td style="padding: 5px;">ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="padding: 5px;">2</td> <td style="padding: 5px;">APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="padding: 5px;">3</td> <td style="padding: 5px;">LETTER OF NOTIFICATION</td> </tr> <tr> <td style="padding: 5px;">4</td> <td style="padding: 5px;">BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td style="padding: 5px;">COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td style="padding: 5px;">ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td style="padding: 5px;">TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table> | EXHIBITS SUBMITTED TO THE BOARD | | 1 | ORDER APPOINTING THE BOARD | 2 | APPLICATION FOR REVIEW OF DISCHARGE | 3 | LETTER OF NOTIFICATION | 4 | BRIEF OF PERSONNEL FILE | | COUNSEL'S RELEASE TO THE BOARD | | ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE | | TAPE RECORDING OF PERSONAL APPEARANCE HE |
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|-----------------------------|------------------------------|--|
| HEARING DATE 17 Oct 2006 | CASE NUMBER FD-2006-00103 | |
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONAL ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

Names and votes will be made available to the applicant at the applicant's request.

ENDORSEMENT

DATE: 10/23/2006

TO:
 SAF/MRBR
 550 C STREET WEST, SUITE 40
 RANDOLPH AFB, TX 78150-4742

FROM:
 SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL
 AIR FORCE DISCHARGE REVIEW BOARD
 1535 COMMAND DR, EE WING, 3RD FLOOR
 ANDREWS AFB, MD 20762-7002

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

Issue 1. Although not explicitly stated, applicant contends that he should not be penalized indefinitely for mistakes he made when young and mentally fragile. The DRB recognized the applicant was 19 years of age when the discharge took place. However, there is no evidence he was immature or did not know right from wrong. The records indicated the applicant received two Article 15's, a Letter of Reprimand, and a DD Form 1408 (traffic ticket) for misconduct. His first Article 15 was for underage drinking and carrying a concealed weapon. He was reduced in grade to airman basic. The second Article 15 was for failure to go. He was punished with suspended forfeiture of pay and 14 days of extra duty. His misconduct was further documented with a Letter of Reprimand for failure to go. The DRB concluded that the characterization of the applicant's discharge was appropriate due to the misconduct.

Issue 2. The DRB was pleased to see that the applicant was doing well and has a good job. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

If he can provide additional documented information to substantiate an issue, the applicant should consider exercising his right to make a personal appearance before the Board. If he should choose to exercise his right to a personal appearance hearing, the applicant should be prepared to provide the DRB with factual evidence of the inequity and any exemplary post-service accomplishments as well as any contributions to the community.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
AIR FORCE DISCHARGE REVIEW BOARD
ANDREWS AFB, MD

(Former AB) (HGH AMN)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Robins AFB, GA on 18 Aug 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 1 Oct 75. Enlmt Age: 18 2/12. Disch Age: 19 10/12. Educ: HS DIPL. AFQT: N/A. A-39, E-68, G-70, M-48. PAFSC: 2E131 - Satellite and Wideband Communications Equipment Apprentice. DAS: 10 Jan 95.

b. Prior Sv: (1) AFRes 29 Dec 93 - 28 Feb 94 (2 months) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 1 Mar 94 for 4 yrs. Svd: 01 Yrs 05 Mo 18 Das, all AMS.

b. Grade Status: AB - 3 May 95 (Article 15, 2 May 95)
Amn - 1 Oct 94

c. Time Lost: None.

d. Art 15's: (1) 7 Jul 95, Robins AFB, GA - Article 86. You, did, on or about 19 Jun 95 to on or about 21 Jun 95, without authority, fail to go at the time prescribed to your appointed place of duty, to wit: Building 951. Suspended forfeiture of \$250.00 pay per month for two months. Fourteen days extra duty. (No appeal) (No mitigation)

(2) 2 May 95, Robins AFB, GA - Article 92. You, did, on or about 19 Apr 95, violate a lawful general regulation, to wit: paragraph 1.1.2, AFI 34-119, dated 25 Jul 94, by wrongfully consuming alcoholic beverages while you were below the minimum drinking age. Article 134. You, did, on or about 20 Apr 95, unlawfully carry on or about your person a concealed weapon, to wit: a .380 pistol. Reduction to AB. (Appeal/Denied) (No mitigation)

e. Additional: LOR/UIF, 30 MAY 95 - Failure to go on two occasions.
DD 1408, 16 APR 95 - Traffic ticket for speeding.

f. CM: None.

g. Record of SV: None.

h. Awards & Decs: AFTR, NDSM.

i. Stmt of Sv: TMS: (01) Yrs (07) Mos (18) Das
TAMS: (01) Yrs (05) Mos (18) Das

4. **BASIS ADVANCED FOR REVIEW:** Appln (DD Fm 293) dtd 06 Jan 06.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. Character References.

12APR06/ia

MAR 14 2006

FD 2006-00103

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

Form Approved
OMB No. 0704-0004
Expires Aug 31, 2006

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Executive Service and Communications Directorate (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C.1553; E.O. 9397.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.

| | | | | | |
|---|---|--------------|---|---|-------------|
| a. BRANCH OF SERVICE (X one) | ARMY | MARINE CORPS | NAVY | <input checked="" type="checkbox"/> AIR FORCE | COAST GUARD |
| b. NAME (Last, First, Middle Initial) | c. GRADE/RANK AT DISCHARGE | | d. SOCIAL SECURITY NUMBER | | |
| | E-1 | | | | |
| 2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149) | 4. DISCHARGE CHARACTERIZATION RECEIVED (X one) | | 5. BOARD ACTION REQUESTED (X one) | | |
| 199503 | <input checked="" type="checkbox"/> HONORABLE | | <input checked="" type="checkbox"/> CHANGE TO HONORABLE | | |
| | <input type="checkbox"/> GENERAL/UNDER HONORABLE CONDITIONS | | <input type="checkbox"/> CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS | | |
| | <input type="checkbox"/> UNDER OTHER THAN HONORABLE CONDITIONS | | <input type="checkbox"/> CHANGE TO UNCHARACTERIZED (Not applicable for Air Force) | | |
| 3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION | <input type="checkbox"/> BAD CONDUCT (Special court-martial only) | | <input type="checkbox"/> CHANGE NARRATIVE REASON FOR SEPARATION TO: | | |
| Warner Robins AFB | <input type="checkbox"/> UNCHARACTERIZED | | | | |
| | <input type="checkbox"/> OTHER (Explain) | | | | |

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 14. See instructions on Page 3.)

I am requesting an upgrade of My discharge because It was voluntary. I was told the reason I was given that particular Discharge characterization because I

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE..

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 17. If military documents or medical records are relevant to your case, please send copies.)

9. TYPE OF REVIEW REQUESTED (X one)

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME. I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD. |
| <input type="checkbox"/> | I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA. |
| <input type="checkbox"/> | I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Navy Discharge Review Board does not have a traveling panel.) |

| | |
|--|---|
| 10.a. COUNSEL/REPRESENTATIVE (if any) NAME (Last, First, Middle Initial) AND ADDRESS (See Item 10 of the instructions about counsel/representative.) | b. TELEPHONE NUMBER (Include Area Code) |
| | c. E-MAIL |
| | d. FAX NUMBER (Include Area Code) |

11. APPLICANT MUST SIGN IN ITEM 13.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.

| | | | | | |
|---|--------------------------------|----------------------------------|---|---|--|
| <input type="checkbox"/> SPOUSE | <input type="checkbox"/> WIDOW | <input type="checkbox"/> WIDOWER | <input type="checkbox"/> NEXT OF KIN | <input type="checkbox"/> LEGAL REPRESENTATIVE | <input type="checkbox"/> OTHER (Specify) |
| 12.a. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON ABOVE (Forward notification of any change in address.) | | | b. TELEPHONE NUMBER (Include Area Code) | | |
| | | | c. E-MAIL | | |
| | | | d. FAX NUMBER (Include Area Code) | | |

13. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

| | | |
|--|--------------------------------------|---|
| a. SIGNATURE REQUIRED (Applicant or person in Item 11 above) | b. DATE SIGNED - REQUIRED (YYYYMMDD) | CASE NUMBER (Do not write in this space.) |
| | 06/06/06 | FD 2006-00103 |

14. CONTINUATION OF ITEM 8, ISSUES (if applicable)

Still under punitive action for an article 15 I received, I received an article 15 for Failure to appear at an appointment. The situation ~~involved~~ which invoked punitive action against me, was brought about when I did not return from annual leave on the day I was scheduled. My reason for not returning on my scheduled day was non-deliberate meaning I had trouble with my automobile, and could not get other transportation prior to the time that I did. I truly tried to make the deadline, called my first sergeant and informed him of my situation, I had taken a bus from New York City to ~~Alacorn~~ which took a total of 16 hours. At ~~the time of the same~~ time in my life I had recently gone through a Divorce, I became very stressed out and asked to be let go from service for piece of mind.

15. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (if applicable)

16. REMARKS (if applicable)

Please consider and upgrade of my discharge, It has been 11 years since I was discharged and a lot has changed in my life, I am 30 years old now, ~~Am~~ have become a model citizen. I recently graduated from the South Carolina Criminal Justice Academy with honors and work as a Correctional Officer at the Jasper County Detention Center. I work hard and love law Enforcement, I also would like to join the reserves and help support my country, I know that I made mistakes in the past but I was very young at the time and mentally fragile. If given a chance, I will prove my worth to my country. Thank you for listening.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

ARMY

Army Review Boards Agency
Support Division, St. Louis
9700 Page Avenue
St. Louis, MO 83132-5200
(See <http://arba.army.pentagon.mil>)

NAVY AND MARINE CORPS

Naval Council of Personnel Boards
720 Kennon Street, S.E.
Room 309 (NDRB)
Washington Navy Yard, DC 20374-5023

AIR FORCE

Air Force Review Boards Agency
SAF/MRBR
550-C Street West, Suite 40
Randolph AFB, TX 78150-4742

COAST GUARD

U.S. Coast Guard
Commandant (G-WPM)
2100 Second Street, S.W. Room 5500
Washington, DC 20593



DEPARTMENT OF THE AIR FORCE
 HQ WARNER ROBINS AIR LOGISTICS CENTER (AFMC)
 ROBINS AIR FORCE BASE GEORGIA

2 AUG 1995

MEMORANDUM FOR AB: _____

FROM: 53CBCS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for a pattern of misconduct consisting of minor disciplinary infractions. The authority for this action is AFI 36-3208, paragraph 5.49. If my recommendation for discharge is approved, your service will be characterized as Honorable, General, or Under Other Than Honorable Conditions. I am recommending that your service be characterized as General.

2. My reasons for this action are:

a. On 16 Apr 95 you were cited on Robins Air Force Base for exceeding the posted speed limit by more than 15 mph, for which you received an Armed Forces Traffic Ticket.

b. On 19 Apr 95 you violated a lawful general regulation by consuming alcoholic beverages while you were below the minimum drinking age, and unlawfully carrying a concealed weapon (.380 pistol) on or about your person. As a consequence, you received nonjudicial punishment on 2 May 95 consisting of reduction to the grade of Airman Basic.

c. On 23 and 24 May 95 you failed to report to your duty section prior to and following scheduled appointments, and failed to notify your supervisor of your whereabouts. For your misconduct, you received a Letter of Reprimand, dated 30 May 95, and the information was added to your Unfavorable Information File.

d. From on or about 19 Jun 95 to on or about 21 Jun 95 you, without authority, failed to go to your appointed place of duty. For this, you received nonjudicial punishment on 7 Jul 95, consisting of suspended forfeitures and 14 days extra duty.

3. Copies of the documents to be forwarded to the separation authority in support of this recommendation are attached. The commander exercising SPCM jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force. If you are discharged, you will be ineligible for reenlistment in the Air Force.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult Captain: _____ ext 6-5852, at Bldg 368, on 4 Aug 95 at 0900 hours. You may consult civilian counsel at your own expense.

5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 7 Aug 95, unless you request and receive an extension for good cause shown. I will send them to the separation authority.

6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.

7. You have been scheduled for a physical examination on 3 Aug 95, at 0700 hours. Immediately upon receipt of this notification letter, report to the Physical Examinations Section in Bldg 207 (near the Green Street Gate) with your medical records. They will review your medical records and inform you of the requirements concerning your physical examination. **You must report in uniform.**

8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the Area Defense Office located at the address in paragraph 4 above.

9. Execute the attached acknowledgment and return it to me immediately.



Commander

5 Attachments:

1. Documents Supporting Discharge
 - a. Armed Forces traffic Ticket, dtd 16 Apr 95
 - b. AF Form 3070 w/atchs, dtd 2 May 95
 - c. Letter of Reprimand, dtd 30 May 95
w/2 page atch
 - d. AF Form 3070 w/atch, dtd 7 Jul 95
2. Other Derogatory Information
3. Information Favorable to Member
4. Airman's Acknowledgment of Receipt of Notification Memorandum
5. Airman's Statement re: Counsel and Matters